

# House File 2404

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## AN ACT

RELATING TO CERTAIN ALTERNATIVE FORMS OF COUNTY AND CITY GOVERNMENT BY PROVIDING FOR COUNTY REDISTRICTING AND REPRESENTATION, CHARTER COMMISSION ADMINISTRATION, APPLICATION OF VARIOUS STATUTORY REQUIREMENTS, THE MANNER IN WHICH A CHARTER MAY BE PROPOSED AND ADOPTED, AMENDMENT OF A CHARTER, THE ORGANIZATION OF THE GOVERNING BODY, AND INCLUSIONS IN A CHARTER, MAKING TECHNICAL CHANGES RELATING TO THE ADMINISTRATION AND AUTHORITY OF A CITY=COUNTY CONSOLIDATED GOVERNMENT AND A COMMUNITY COMMONWEALTH, MAKING CHANGES RELATED TO MULTICOUNTY CONSOLIDATION, AND INCLUDING EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 331.210A, subsection 2, Code 2003, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. (1) Notwithstanding the provisions of this section to the contrary, for a county with a population of one hundred eighty thousand or more that has adopted a charter for a city=county consolidated form of government or a community commonwealth form of government and which charter provides for representation by districts, the legislative services agency, and not the temporary county redistricting commission, shall draw a representation plan as provided by paragraph "a" pursuant to a contract executed with the county. The plan drawn by the legislative services agency shall be based upon the precinct plan adopted for use by the county and shall be drawn in accordance with section 42.4, to the extent applicable. After the legislative services agency has drawn the plan, the legislative services agency shall at the earliest feasible time make available to the public all of the information required to be made public by paragraph "b".

(2) The legislative services agency shall submit the plan to the governing body, and the governing body shall comply with the duties required by paragraph "c", to the extent applicable.

(3) After the requirements of paragraphs "a" through "c" have been met, the governing body shall review the plan submitted by the legislative services agency and shall approve or reject the plan. If the plan is rejected, the governing body shall give written reasons for the rejection and shall direct the legislative services agency to prepare a second plan, as provided in paragraph "d". The second plan may be amended by the governing body in accordance with the provisions of paragraph "d". After receiving the second plan, the governing body shall approve either the first plan or the second plan.

(4) The governing body, after approving a plan, shall comply with the requirements of paragraph "e".

Sec. 2. Section 331.231, subsections 5 and 6, Code 2003, are amended to read as follows:

5. City=county consolidated form as provided in ~~section~~ sections 331.247 through 331.252.

6. Multicounty consolidated form as provided in ~~section~~ sections 331.253 through 331.259.

Sec. 3. Section 331.232, subsection 1, Code 2003, is amended to read as follows:

1. A charter to change a form of county government may be submitted to the electors of a county only by a commission established by resolution of the board upon petition of the number of eligible electors of the county equal to at least twenty=five percent of the votes cast in the county for the office of president of the United States or governor at the preceding general election or the signatures of at least ten thousand eligible electors of the county, whichever number is fewer. The board shall within ten days of the filing of a valid petition adopt such a resolution.

Sec. 4. Section 331.232, subsection 3, Code 2003, is amended to read as follows:

3. An alternative form of county government shall be submitted to the ~~county~~ electorate by the commission in the form of a charter ~~or charter amendment.~~

3 6 Sec. 5. Section 331.233A, subsections 1 and 2, Code 2003,  
3 7 are amended to read as follows:

3 8 1. The members of a commission created to study city=  
3 9 county consolidation or the community commonwealth form shall  
3 10 be appointed within ~~forty-five~~ thirty days after the adoption  
3 11 of a resolution creating the commission as follows:

3 12 a. One city council member shall be appointed by the city  
3 13 council of each city participating in the charter process.

3 14 b. ~~One member~~ Two members of the board of supervisors  
3 15 shall be appointed by the board of each county participating  
3 16 in the charter process. ~~The member~~ One supervisor must be a  
3 17 resident of the unincorporated area of the county for each  
3 18 participating county. However, if no supervisor resides in  
3 19 the unincorporated area, the board shall appoint a resident of  
3 20 the unincorporated area of the county in lieu of appointing a  
3 21 supervisor.

3 22 c. One member shall be appointed by each state legislator  
3 23 whose legislative district is located in the commission area  
3 24 if a majority of the constituents of that legislative district  
3 25 resides in the commission area. However, if a commission area  
3 26 does not have a state legislative district which has a  
3 27 majority of its constituents residing in the commission area,  
3 28 the legislative district having the largest plurality of  
3 29 constituents residing in the commission area shall appoint one  
3 30 member.

3 31 d. An additional member shall be appointed by each city  
3 32 council and each county board for every twenty-five thousand  
3 33 residents in the participating city or unincorporated area of  
3 34 the county, whichever is applicable. The member shall be a  
3 35 resident of the city or county, as applicable. The member  
4 1 shall be a person who is not holding elected office at the  
4 2 time of the appointment.

4 3 2. ~~The commission members shall be appointed in compliance~~  
4 4 ~~with section 331.233, subsection 2.~~ A vacancy on the  
4 5 commission shall be filled by appointment in the same manner  
4 6 as the original appointment. The county auditor shall notify  
4 7 the appropriate appointing authority of a vacancy.

4 8 Sec. 6. Section 331.234, subsection 4, Code 2003, is  
4 9 amended to read as follows:

4 10 4. ~~The~~ Except as otherwise provided in subsection 5, the  
4 11 expenses of the commission may be paid from the general fund  
4 12 of the county or. Expenses of the commission may also be paid  
4 13 from any combination of public or private funds available for  
4 14 that purpose. The commission's annual expenses may exceed the  
4 15 amount in subsection 3 only if the excess is paid from private  
4 16 funds. If a proposed charter is submitted to the electorate,  
4 17 private funds donated to the commission may be used to promote  
4 18 passage of the proposed charter.

4 19 Sec. 7. Section 331.234, Code 2003, is amended by adding  
4 20 the following new subsection:

4 21 NEW SUBSECTION. 5. In the case of a city=county  
4 22 consolidation charter commission or a community commonwealth  
4 23 charter commission, the expenses of the commission shall be  
4 24 paid by each city and county participating in the charter  
4 25 process pursuant to section 331.233A. Each participating  
4 26 city's share shall be its pro rata share of the expenses based  
4 27 upon the ratio that the population of the city bears to the  
4 28 total population in the county. The remainder shall be paid  
4 29 from the general fund of the county. The amount paid by each  
4 30 city and county participating in the charter process shall be  
4 31 deposited in a segregated account maintained by the county.

4 32 Sec. 8. Section 331.235, Code 2003, is amended to read as  
4 33 follows:

4 34 331.235 COMMISSION PROCEDURES AND REPORTS.

4 35 1. Within sixty days after its organization, the  
5 1 commission shall hold at least one public hearing for the  
5 2 purpose of receiving information and material which will  
5 3 assist in the drafting of a charter. Notice of the date,  
5 4 time, and place of the hearing shall be given as provided in  
5 5 chapter 21.

5 6 2. Within ~~nine~~ seven months after the organization of the  
5 7 commission, the commission shall submit a preliminary report  
5 8 to the board, which report may include the text of the  
5 9 proposed charter. If a proposed charter is included in the  
5 10 preliminary report, the report shall also include an analysis  
5 11 of the fiscal impact of the proposed charter. Sufficient  
5 12 copies of the report shall be made available for distribution  
5 13 to residents of the county who request a copy. The commission  
5 14 shall hold at least one public hearing after submission of the  
5 15 preliminary report to obtain public comment. Notice of the  
5 16 date, time, and place of the hearing shall be given as

5 17 provided in chapter 21.

5 18 3. Within ~~twenty~~ twelve months after organization, the  
5 19 commission shall submit the final report to the board.  
5 20 ~~However, a commission may adopt a motion granting itself a~~  
5 21 ~~sixty-day extension of time for submission of its final~~  
5 22 ~~report.~~ If the commission recommends a charter including a  
5 23 form of government other than the existing form of government,  
5 24 the final report shall include the full text and an  
5 25 explanation of the proposed charter, an analysis of the fiscal  
5 26 impact of the proposed charter, any comments deemed desirable  
5 27 by the commission, and any minority reports. The final report  
5 28 may recommend no change to the existing form of government and  
5 29 that no charter be submitted to the electorate, in which case,  
5 30 the report shall state the reasons for and against a change in  
5 31 the existing form of government. The final report shall be  
5 32 made available to the residents of the county upon request. A  
5 33 summary of the final report shall be published by the  
5 34 commission in the official newspapers of the county and in a  
5 35 newspaper of general circulation in each participating city.

6 1 4. If a provision of this part is amended by enactment of  
6 2 the general assembly after a charter commission has submitted  
6 3 its final report to the board and before the proposed charter  
6 4 is submitted at an election, the commission may amend the  
6 5 proposed charter, only to the extent the charter amendment  
6 6 addresses the changes in the newly enacted law, and shall  
6 7 submit the amended proposed charter and an amended final  
6 8 report to the board in lieu of the original proposed charter.  
6 9 The amended proposed charter shall be placed on the ballot for  
6 10 the next general election if it is received by the board  
6 11 within the time set out in section 331.237, subsection 1. A  
6 12 summary of any amendments to the proposed charter shall be  
6 13 published by the commission as provided in subsection 3.

6 14 ~~4.~~ 5. The commission is dissolved on the date of the  
6 15 general election at which the proposed charter is submitted to  
6 16 the electorate. ~~However, if a charter proposing the city=~~  
6 17 ~~county consolidated form or the community commonwealth form is~~  
6 18 ~~adopted, the commission is dissolved on the date that the~~  
6 19 ~~terms of office of the members of the governing body for the~~  
6 20 ~~alternative form of government commence.~~ If a charter is not  
6 21 recommended, the commission is dissolved upon submission of  
6 22 its final report to the board.

6 23 Sec. 9. Section 331.237, subsection 1, Code 2003, is  
6 24 amended to read as follows:

6 25 1. If a proposed charter for county government is received  
6 26 not less than five working days before the filing deadline for  
6 27 candidates for county offices specified in section 44.4 for  
6 28 the next general election, the board shall direct the county  
6 29 commissioner of elections to submit to the registered voters  
6 30 of the county at the next general election the question of  
6 31 whether the proposed charter shall be adopted. A summary of  
6 32 the proposed charter or amendment shall be published in the  
6 33 official county newspapers and in a newspaper of general  
6 34 circulation in each participating city, if applicable, at  
6 35 least ten but not more than twenty days before the date of the  
7 1 election. ~~If~~ Except as otherwise provided in sections 331.247  
7 2 and 331.260, if a majority of the votes cast on the question  
7 3 is in favor of the proposal, the proposal is adopted.

7 4 Sec. 10. Section 331.237, Code 2003, is amended by adding  
7 5 the following new subsection:

7 6 NEW SUBSECTION. 4. Subsections 2 and 3 do not apply to  
7 7 the city=county consolidated form of government or the  
7 8 community commonwealth form of government.

7 9 Sec. 11. Section 331.238, Code 2003, is amended by adding  
7 10 the following new subsection:

7 11 NEW SUBSECTION. 4. Subsections 1 and 2 do not apply to  
7 12 the city=county consolidated form of government or the  
7 13 community commonwealth form of government.

7 14 Sec. 12. Section 331.244, Code 2003, is amended by adding  
7 15 the following new subsection:

7 16 NEW SUBSECTION. 3. This section does not apply to the  
7 17 city=county consolidated form of government or the community  
7 18 commonwealth form of government.

7 19 Sec. 13. Section 331.245, Code 2003, is amended by adding  
7 20 the following new unnumbered paragraph:

7 21 NEW UNNUMBERED PARAGRAPH. This section does not apply to  
7 22 the city=county consolidated form of government or the  
7 23 community commonwealth form of government.

7 24 Sec. 14. Section 331.247, Code 2003, is amended to read as  
7 25 follows:

7 26 331.247 CITY=COUNTY CONSOLIDATION FORM.

7 27 1. ~~A county and one or more cities within the county may~~

~~7 28 unite to form a single unit of local government in accordance~~  
~~7 29 with this part. A commission appointed pursuant to section~~  
~~7 30 331.233A may propose a charter under which a county and one or~~  
~~7 31 more cities within the county may unite to form a single unit~~  
~~7 32 of local government, or may propose a charter under which a~~  
~~7 33 county and one or more cities within the county may create a~~  
~~7 34 unified government empowered to govern a city and a county~~  
~~7 35 with each retaining the separate status and power of a city or~~  
~~8 1 a county for all purposes and constituting separate political~~  
~~8 2 subdivisions under combined governance. Either option~~  
~~8 3 proposed shall be referred to as a city=county consolidated~~  
~~8 4 form of government. If more than fifty percent of the~~  
~~8 5 population of a city resides within the affected county, it is~~  
~~8 6 a city within the county for the purposes of this section and~~  
~~8 7 may continue its status as a city within the county even if~~  
~~8 8 the population of such city falls below the more than fifty~~  
~~8 9 percent threshold in a future census.~~  
~~8 10 2. An alternative form of government, including a charter~~  
~~8 11 form, for a consolidated unit of government may be submitted~~  
~~8 12 to the voters only by a commission established under this~~  
~~8 13 chapter. A majority vote by the charter commission is~~  
~~8 14 required for the submission to the electorate of an~~  
~~8 15 alternative form of government for a consolidated unit of~~  
~~8 16 local government a proposed charter for a city=county~~  
~~8 17 consolidated form of government. The charter commission~~  
~~8 18 submitting a consolidated form shall issue a final report and~~  
~~8 19 proposal.~~  
~~8 20 3. An alternative form of government for a A city=county~~  
~~8 21 consolidated unit of local form of government does not need to~~  
~~8 22 include more than one city. A city shall not be included~~  
~~8 23 unless the city participates in the commission process, and a~~  
~~8 24 majority of the electors of the affected city voting approves~~  
~~8 25 the proposed charter for the consolidated government.~~  
~~8 26 4. If an alternative form of government for a consolidated~~  
~~8 27 unit of local government is proposed, approval of the~~  
~~8 28 consolidation charter shall be a separate ballot issue from~~  
~~8 29 approval of the alternative form of government in those cities~~  
~~8 30 proposed to be included in the consolidation. Adoption of the~~  
~~8 31 proposed consolidation charter requires the approval of a~~  
~~8 32 majority of the votes cast in the entire county and requires~~  
~~8 33 the approval of a majority of the votes cast in one or more~~  
~~8 34 cities named on the ballot. The consolidation charter shall~~  
~~8 35 be effective in regard to a city government named on the~~  
~~9 1 ballot only if a majority of the voters of the city voting on~~  
~~9 2 the question voted for participation in the votes cast in that~~  
~~9 3 city approves the consolidation charter.~~  
~~9 4 5. An adopted charter takes effect July 1 following the~~  
~~9 5 general election at which it is approved unless the charter~~  
~~9 6 provides a later effective date. If the adopted charter calls~~  
~~9 7 for a change in the form of government, officers to fill~~  
~~9 8 elective offices created by the charter shall be elected in~~  
~~9 9 the general election in the even-numbered year following the~~  
~~9 10 adoption of the charter.~~  
~~9 11 5- 6. A city may request to join an existing city=county~~  
~~9 12 consolidated government by resolution of the city council or~~  
~~9 13 upon petition of eligible electors of the city equal in number~~  
~~9 14 to at least twenty-five percent of the persons who voted at~~  
~~9 15 the last general election for the office of governor or~~  
~~9 16 president of the United States, whichever is fewer regular~~  
~~9 17 city election. Within fifteen days after receiving a valid~~  
~~9 18 petition, the city council of the petitioning city shall adopt~~  
~~9 19 a resolution in favor of participation and shall immediately,~~  
~~9 20 within ten days of adoption, forward the resolution to the~~  
~~9 21 legislative governing body of the city=county consolidated~~  
~~9 22 government. If a majority of the city=county consolidated~~  
~~9 23 legislative governing body of the city=county consolidated~~  
~~9 24 government approves the resolution, the question of joining~~  
~~9 25 the city=county consolidated government shall be submitted to~~  
~~9 26 the electorate of the petitioning city within sixty days after~~  
~~9 27 approval of the resolution.~~  
~~9 28 7. a. If a charter is adopted, it may be amended at any~~  
~~9 29 time by one of the following methods:~~  
~~9 30 (1) The governing body of the city=county consolidated~~  
~~9 31 government, by resolution, may submit a proposed amendment to~~  
~~9 32 the voters, and the proposed amendment becomes effective only~~  
~~9 33 upon approval by a majority of those voting on the proposed~~  
~~9 34 amendment within the city=county consolidated area.~~  
~~9 35 (2) The governing body of the city=county consolidated~~  
~~10 1 government, by ordinance, may amend the charter. However,~~  
~~10 2 within thirty days following publication of the ordinance, if~~  
~~10 3 a petition valid under the provisions of section 331.306 is~~

10 4 filed with the governing body of the city=county consolidated  
10 5 government, the governing body must submit the charter  
10 6 amendment to the voters and, in such event, the amendment  
10 7 becomes effective only upon approval of a majority of those  
10 8 voting on the proposed amendment within the city=county  
10 9 consolidated area.

10 10 (3) If a petition valid under the provisions of section  
10 11 331.306 is filed with the governing body of the city=county  
10 12 consolidated government, proposing an amendment to the  
10 13 charter, the governing body must submit the proposed amendment  
10 14 to the voters and, in such an event, the amendment becomes  
10 15 effective only upon approval of a majority of those voting on  
10 16 the proposed amendment within the city=county consolidated  
10 17 area.

10 18 b. The proposed amendment shall be submitted at the  
10 19 general election. However, if the amendment is proposed  
10 20 pursuant to paragraph "a", subparagraph (1), the proposed  
10 21 amendment may be submitted at a special election if the  
10 22 resolution submitting the amendment to the voters is adopted  
10 23 by a two-thirds majority of the membership of the governing  
10 24 body.

10 25 c. If an election is held, the governing body shall submit  
10 26 the question of amending the charter to the electors in  
10 27 substantially the following form:

10 28 Should the amendment described below be adopted for the  
10 29 city=county consolidated charter of (insert name of county and  
10 30 of each consolidated city)?

10 31 The ballot must contain a brief description and summary of  
10 32 the proposed amendment.

10 33 d. An amendment shall not adopt an alternative form of  
10 34 county government.

10 35 e. Notwithstanding paragraph "b", if an amendment to a  
11 1 charter proposes to increase or decrease the number of members  
11 2 on the governing body, the amendment shall be submitted to the  
11 3 voters at a general election.

11 4 Sec. 15. Section 331.248, subsection 1, Code 2003, is  
11 5 amended to read as follows:

11 6 1. The charter commission proposing ~~consolidation a city=~~  
11 7 ~~county consolidated form of government~~ shall prepare, adopt,  
11 8 and ~~submit cause to be submitted to the voters a consolidation~~  
11 9 ~~the charter including an alternative form of government.~~

11 10 Sec. 16. Section 331.248, subsection 2, Code 2003, is  
11 11 amended to read as follows:

11 12 2. The ~~consolidation~~ charter for a city=county  
11 13 ~~consolidated form of government~~ shall:

11 14 a. Provide for adjustment of existing bonded indebtedness  
11 15 and other obligations in a manner which will provide for a  
11 16 fair and equitable burden of taxation for debt service.

11 17 b. Provide for establishment of service areas, except that  
11 18 formation of a city=county ~~consolidation government~~  
11 19 ~~consolidated form of government~~ shall not affect the  
11 20 assignment of electric utility service territories pursuant to  
11 21 chapter 476, and shall not affect the rights of a city to  
11 22 grant a franchise under chapter 364.

11 23 c. Provide for the transfer or other disposition of  
11 24 property and other rights, claims, assets, and franchises of  
11 25 ~~local governments the county and each city~~ consolidated under  
11 26 the alternative form.

11 27 d. Provide the official name of the city=county  
11 28 consolidated ~~unit of local~~ government.

11 29 e. Provide for the transfer, reorganization, abolition,  
11 30 absorption, and adjustment of boundaries of all existing  
11 31 boards, bureaus, commissions, agencies, special districts, and  
11 32 political subdivisions of the city=county consolidated  
11 33 government.

11 34 f. ~~Include other provisions which the county charter~~  
11 35 ~~commission and the city charter commission elect to include~~  
12 1 ~~and which are not inconsistent with state law. Provide for~~  
12 2 ~~the exercise of home rule power and authority not inconsistent~~  
12 3 ~~with state law.~~

12 4 g. Provide for a governing body of an odd number of  
12 5 members, not less than five, but which may exceed the number  
12 6 of members specified in sections 331.201, 331.203, and  
12 7 331.204. The titles of the members of the governing body  
12 8 shall be determined by the charter.

12 9 h. Provide for a representation plan for the governing  
12 10 body which representation plan may differ from the  
12 11 representation plans provided in section 331.206 and in  
12 12 chapter 372. If the plan calls for representation by  
12 13 districts and the charter has been approved in a county whose  
12 14 population is one hundred eighty thousand or more, the plan

12 15 shall be drawn pursuant to section 331.210A, subsection 2,  
12 16 paragraph "f". The initial representation plan for such a  
12 17 county shall be drawn as provided in section 331.210A,  
12 18 subsection 2, paragraph "f", within one hundred twenty days  
12 19 after the election at which the charter is approved. For the  
12 20 initial representation plan, the charter commission shall  
12 21 assume the role of the governing body for purposes of this  
12 22 paragraph and section 331.210A, subsection 2, paragraphs "d"  
12 23 through "f".

12 24 i. Provide for the initial compensation for members of the  
12 25 governing body and for a method of changing the compensation.

12 26 Sec. 17. Section 331.248, Code 2003, is amended by adding  
12 27 the following new subsection:

12 28 NEW SUBSECTION. 4. The consolidation charter may include  
12 29 other provisions which the commission elects to include and  
12 30 which are not irreconcilable with state law. These provisions  
12 31 may include but are not limited to the following:

12 32 a. Provide for a method of selecting officers of the  
12 33 governing body and fixing their terms of office which may  
12 34 differ from the requirements of sections 331.208 through  
12 35 331.211 and the provisions of chapter 372.

13 1 b. Provide for meetings of the governing body and rules of  
13 2 procedure which may differ from the requirements of section  
13 3 331.213, except that the meetings shall be scheduled and  
13 4 conducted in compliance with chapter 21.

13 5 c. Provide for combining the duties of elected officials  
13 6 of the county, for eliminating elected offices and the  
13 7 assumption of the duties of those offices by appointed  
13 8 officials, and for adding to, deleting from, or otherwise  
13 9 changing the duties of officials, elected or otherwise, of the  
13 10 county and each consolidated city. If the charter provides  
13 11 that one or more elective offices are combined, the board of  
13 12 supervisors shall appoint one of the elective officers of the  
13 13 combined offices to serve until new officers have been elected  
13 14 at the general election in the even-numbered year and have  
13 15 qualified for office. If the charter calls for the  
13 16 elimination of an elective office, that elective officer's  
13 17 term of office shall expire on the date specified in the  
13 18 charter.

13 19 d. Provide for the organization of city and county  
13 20 departments, agencies, or boards. The organization plan may  
13 21 provide for the abolition or consolidation of a department,  
13 22 agency, board, or commission and the assumption of its powers  
13 23 and duties by the governing body or by another department,  
13 24 agency, board, or commission.

13 25 e. Provide for a method for the governing body or another  
13 26 office to exercise the powers and duties of the township  
13 27 trustees, in lieu of their election or appointment.

13 28 f. Provide for a chief executive officer, a method of  
13 29 selecting that officer, the compensation for that officer, a  
13 30 method of changing the compensation, and the powers and duties  
13 31 of that officer.

13 32 g. If the charter provides for a chief executive office,  
13 33 provide for the appointment of a chief executive officer pro  
13 34 tem, the compensation for that officer, a method of changing  
13 35 the compensation, and the manner in which that officer would  
14 1 exercise the powers and duties of the chief executive officer.

14 2 h. Provide for the appointment of a city manager, a method  
14 3 for determining and changing the compensation for the city  
14 4 manager, and the powers and duties of the city manager.

14 5 This subsection does not apply to the board of trustees of  
14 6 a county hospital or to the board of trustees of a city  
14 7 hospital.

14 8 Sec. 18. Section 331.249, Code 2003, is amended to read as  
14 9 follows:

14 10 331.249 EFFECT OF CONSOLIDATION.

14 11 1. ~~a. The consolidation of one or more cities and one or~~  
14 12 ~~more counties shall create a unified government which includes~~  
14 13 ~~a municipal corporation and a county. A city=county~~  
14 14 ~~consolidated form of government under which a county and one~~  
14 15 ~~or more cities within the county unite to form a single unit~~  
14 16 ~~of local government shall create a unified government which~~  
14 17 ~~includes a municipal corporation and a county. The~~

14 18 consolidated unit shall have the separate status of a county  
14 19 and a city for all purposes and shall constitute two political  
14 20 subdivisions, a consolidated city and a county, under combined  
14 21 governance. The consolidated unit shall retain one separate  
14 22 constitutional debt limitation with respect to its status as a  
14 23 city and a separate constitutional debt limitation with  
14 24 respect to its status as a county.

14 25 b. The governing body of a city=county consolidated form

14 26 of government under which a county and one or more cities  
14 27 within the county create a unified government empowered to  
14 28 govern a city and a county shall have, with respect to the  
14 29 county, the power and authority of the board of supervisors of  
14 30 a county, and, with respect to each city, the power and  
14 31 authority of the city council of a city. Each consolidated  
14 32 city and the county constitute separate political  
14 33 subdivisions. Each consolidated city and the county shall  
14 34 each retain a separate constitutional debt limitation and  
14 35 shall each have the authority to issue bonds and incur  
15 1 financial obligations in accordance with the provisions of  
15 2 state law applicable to a city or a county, respectively.

15 3 2. ~~A The city=county consolidated unit of local form of~~  
15 4 government may include an area which is located in another  
15 5 county, but which is within the corporate boundaries of one of  
15 6 the consolidated cities. ~~County services shall~~ Services may  
15 7 be provided in the extra=county area and taxes to fund those  
15 8 services ~~shall~~ may be collected in the extra=county area by  
15 9 the consolidated government, to the extent permitted by the  
15 10 Constitution of the State of Iowa. In addition to the right  
15 11 to vote in the county of residence, electors residing in the  
15 12 extra=county area shall have the right to vote on any matter  
15 13 related to the ~~city=county consolidated unit of local~~  
15 14 government, including election of its ~~officials~~ governing body  
15 15 and its chief executive officer, if any.

15 16 If a city=county consolidation charter is proposed, within  
15 17 ninety days following the final report of the commission, a  
15 18 resident or property owner of the commission area proposed to  
15 19 be consolidated may bring an action in district court for  
15 20 declaratory judgment to determine the legality of the proposed  
15 21 charter and to otherwise declare the effect of the charter.  
15 22 ~~The court shall expedite its review and determination in this~~  
15 23 ~~matter.~~ The referendum on the proposed charter shall be  
15 24 stayed during pendency of the action and for such additional  
15 25 time during which the proposed charter or its enabling  
15 26 legislation does not conform to the Constitution or laws of  
15 27 the State of Iowa. If in its final judgment the court  
15 28 determines that the proposed charter fails to conform to the  
15 29 Constitution or laws of this state, the commission shall have  
15 30 a period of six months in which to revise and resubmit the  
15 31 proposed charter.

15 32 3. All provisions of law authorizing contributions of any  
15 33 kind, in money or otherwise, from the state or federal  
15 34 government to counties and cities shall remain in full force  
15 35 with respect to each city and the county comprising a ~~city=~~  
16 1 ~~county consolidated local~~ government.

16 2 4. The adoption of a charter for a city=county  
16 3 consolidated government does not alter any right or liability  
16 4 of the county or consolidated city in effect at the time of  
16 5 the election at which the charter was adopted.

16 6 5. All departments and agencies of the county and of each  
16 7 consolidated city shall continue to operate until their  
16 8 authority to operate is superseded by action of the governing  
16 9 body.

16 10 6. Upon the effective date of the adopted charter, the  
16 11 county and each participating city shall adopt the city=county  
16 12 consolidated form of government by ordinance, and shall file a  
16 13 copy with the secretary of state and maintain available copies  
16 14 for public inspection. The county shall provide each  
16 15 participating city with a copy of the county's ordinance.  
16 16 Each participating city shall provide a copy of that city's  
16 17 ordinance to the county and to the other participating cities.

16 18 7. Members of the governing body of the county shall  
16 19 continue in office after the effective date of the charter  
16 20 until the members of the governing body and the chief  
16 21 executive officer, if any, of the city=county consolidated  
16 22 government have been elected and qualified, at which time the  
16 23 offices of the former governing body of the county shall be  
16 24 abolished and the terms of the members of the former governing  
16 25 body shall be terminated. Members of the governing body and  
16 26 the mayor of each consolidated city shall continue in office  
16 27 after the effective date of the charter until the members of  
16 28 the governing body of the city=county consolidated government  
16 29 and the chief executive officer, if any, have been elected and  
16 30 qualified, at which time the office of mayor and of the former  
16 31 governing body of each consolidated city shall be abolished  
16 32 and the term of the members of each governing body and the  
16 33 term of each mayor shall be terminated.

16 34 During the period between the effective date of the charter  
16 35 and the election and qualification of the members of the  
17 1 governing body of the city=county consolidated government and

17 2 the election and qualification of the chief executive officer,  
17 3 if any, the former governing bodies of the county and each  
17 4 city and the mayor of each city shall continue to exercise the  
17 5 power of, and to perform the duties for, their respective  
17 6 county and city. The charter shall provide that these  
17 7 incumbent officers assist in planning and carrying out the  
17 8 transition to the city=county consolidated form of government.  
17 9 The board of supervisors shall include in its budget for the  
17 10 fiscal year in which the charter becomes effective funds  
17 11 sufficient to provide for the operating expenses of a  
17 12 transition committee and for expenses incurred in initially  
17 13 establishing districts if the charter provides for  
17 14 representation by districts and for salaries for newly elected  
17 15 officers of the city=county consolidated government, after  
17 16 consultation with the transition committee.

17 17 8. If a city=county consolidation charter is submitted to  
17 18 the electorate but is not adopted, another charter shall not  
17 19 be submitted to the electorate for at least two years from the  
17 20 date of the election at which the charter was rejected. If a  
17 21 city=county consolidation charter is adopted, a proposed  
17 22 charter for another alternative form of county government  
17 23 shall not be submitted to the electorate for at least six  
17 24 years from the date of the election at which the charter was  
17 25 adopted.

17 26 Sec. 19. Section 331.250, Code 2003, is amended to read as  
17 27 follows:

17 28 331.250 GENERAL POWERS OF CONSOLIDATED LOCAL GOVERNMENTS.  
17 29 The consolidation charter shall provide for the delivery of  
17 30 services to specified areas of the ~~consolidated local~~  
17 31 ~~government county and of each consolidated city.~~ The  
17 32 governing body of the consolidated government shall ~~administer~~  
17 33 ~~supervise the administration of~~ the provision of services in  
17 34 each of the designated service areas and shall have the  
17 35 authority to determine the boundaries of the service areas.  
18 1 For each service provided by the consolidated government, the  
18 2 consolidated government shall assume the same statutory  
18 3 rights, powers, and duties relating to the provision of the  
18 4 service as if the county or the member city were itself  
18 5 providing the service to its citizens.

18 6 Sec. 20. Section 331.251, Code 2003, is amended to read as  
18 7 follows:

18 8 331.251 RULES, ORDINANCES, AND RESOLUTIONS OF CONSOLIDATED  
18 9 ~~UNIT GOVERNMENT.~~

18 10 ~~Within two years after ratification of the consolidation,~~  
18 11 ~~the governing body of the consolidated unit of local~~  
18 12 ~~government shall revise, repeal, or reaffirm all rules,~~  
18 13 ~~ordinances, and resolutions in force within the participating~~  
18 14 ~~county and cities at the time of consolidation.~~

18 15 1. Each rule, ordinance, or resolution in force ~~at the~~  
18 16 ~~time of consolidation within a county or within a city on the~~  
18 17 ~~effective date of the charter shall remain in force within the~~  
18 18 ~~former geographic jurisdiction that county or within that city~~  
18 19 ~~until superseded by action of the new governing body, unless~~  
18 20 ~~the rule, ordinance, or resolution is in conflict with a~~  
18 21 ~~provision of the charter, in which case, the charter provision~~  
18 22 ~~shall supersede the conflicting rule, ordinance, or~~  
18 23 ~~resolution. The governing body of a participating city or~~  
18 24 ~~county in office on the effective date of the charter shall~~  
18 25 ~~retain its powers to adopt motions, resolutions, or ordinances~~  
18 26 ~~provided that such motions, resolutions, or ordinances do not~~  
18 27 ~~conflict with the provisions of the charter. Ordinances and~~  
18 28 ~~resolutions relating to public improvements to be paid for in~~  
18 29 ~~whole or in part by special assessments shall remain in effect~~  
18 30 ~~until paid in full.~~

18 31 2. If a charter creating a city=county consolidated form  
18 32 of government provides for a chief executive officer with the  
18 33 power to veto an ordinance, an amendment to an ordinance, or a  
18 34 resolution, the governing body shall adopt legislation in  
18 35 accordance with the provisions of chapter 380. If a charter  
19 1 creating a city=county consolidated form of government does  
19 2 not provide for a chief executive officer, the governing body  
19 3 shall adopt legislation in accordance with the provisions of  
19 4 section 331.302. However, a charter may provide that approval  
19 5 of certain ordinances, amendments, or resolutions shall  
19 6 require the affirmative vote of more than a majority of all  
19 7 members of the governing body.

19 8 Sec. 21. Section 331.252, Code 2003, is amended to read as  
19 9 follows:

19 10 331.252 FORM OF BALLOT == CITY=COUNTY CONSOLIDATION.

19 11 The question of city=county consolidation shall be  
19 12 submitted to the electors in substantially the following form:



19 13 Should the ~~corporate existence and governments of the~~  
19 14 ~~county of ..... and the cities of ..... and ..... be~~  
19 15 ~~consolidated into one joint city-county corporation government~~  
19 16 ~~charter described below be adopted for (insert name of county~~  
19 17 ~~and each city proposing to consolidate)?~~  
19 18 ~~if section 331.247, subsection 4, applies, the following~~  
19 19 ~~question shall be placed on the ballot of each participating~~  
19 20 ~~city?~~  
19 21 ~~Should the (name of city or second county) participate in~~  
19 22 ~~the consolidation charter?~~  
19 23 The ballot must contain a brief description and summary of  
19 24 the proposed charter ~~or amendment~~.  
19 25 Sec. 22. Section 331.254, unnumbered paragraph 1, Code  
19 26 2003, is amended to read as follows:  
19 27 When multicounty consolidation is recommended, ~~a petition~~  
19 28 ~~must contain a the consolidation charter which provides shall~~  
19 29 ~~provide for all of the following:~~  
19 30 Sec. 23. Section 331.254, subsection 6, Code 2003, is  
19 31 amended by striking the subsection.  
19 32 Sec. 24. NEW SECTION. 331.257 RECOGNITION OF CHANGE IN  
19 33 BOUNDARIES BY GENERAL ASSEMBLY.  
19 34 If a charter for multicounty consolidation is adopted  
19 35 pursuant to section 331.255 or if the question of joining a  
20 1 multicounty consolidated government is approved pursuant to  
20 2 section 331.256, the general assembly next convening following  
20 3 the election required by section 331.255 or 331.256 shall pass  
20 4 legislation recognizing the change in boundaries of the  
20 5 counties where the question of multicounty consolidation was  
20 6 approved. The boundaries recognized in the legislation shall  
20 7 conform to the boundaries contained in the consolidation  
20 8 charter. The legislation shall contain the official name of  
20 9 the consolidated county as that name is given in the  
20 10 consolidation charter.  
20 11 Sec. 25. Section 331.260, subsection 2, Code 2003, is  
20 12 amended to read as follows:  
20 13 2. A charter proposing a community commonwealth as an  
20 14 alternative form of government may be submitted to the voters  
20 15 only by a commission established under section 331.232. A  
20 16 majority vote by the commission is required for the submission  
20 17 of a charter proposing a community commonwealth as an  
20 18 alternative form of local government. The commission  
20 19 submitting a community commonwealth form of government shall  
20 20 issue a final report and proposal. ~~If an alternative form of~~  
20 21 ~~government for a community commonwealth form of local~~  
20 22 ~~government is proposed, approval of the commonwealth charter~~  
20 23 ~~shall be a separate ballot issue from approval of the~~  
20 24 ~~alternative form of government in those cities proposed to be~~  
20 25 ~~included in the commonwealth. The commonwealth charter shall~~  
20 26 ~~be effective in regard to a city government only if a majority~~  
20 27 ~~of the voters of the city voting on the question voted for~~  
20 28 ~~participation in the commonwealth charter. Adoption of the~~  
20 29 ~~proposed community commonwealth charter requires the approval~~  
20 30 ~~of a majority of the votes cast in the entire county and~~  
20 31 ~~requires the approval of a majority of the votes cast in one~~  
20 32 ~~or more cities named on the ballot. A city named on the~~  
20 33 ~~ballot is included in the community commonwealth only if the~~  
20 34 ~~proposed community commonwealth charter is approved by a~~  
20 35 ~~majority of the votes cast in the city.~~  
21 1 The question of forming a community commonwealth shall be  
21 2 submitted to the electorate in substantially the same ~~form~~  
21 3 ~~manner~~ as provided in section 331.247, subsection 4, and  
21 4 section 331.252. The effective date of the charter and  
21 5 election of new officers of the community commonwealth shall  
21 6 be as provided in section 331.247, subsection 5.  
21 7 Sec. 26. Section 331.261, subsection 2, Code 2003, is  
21 8 amended to read as follows:  
21 9 2. An elective legislative body established in the manner  
21 10 provided for county boards of supervisors under sections  
21 11 331.201 through 331.216 and section ~~331.238~~ 331.248,  
21 12 ~~subsection 2, the initial compensation for members of that~~  
21 13 ~~body, and for a method of changing the compensation.~~  
21 14 Sec. 27. Section 331.261, unnumbered paragraph 2, Code  
21 15 2003, is amended to read as follows:  
21 16 The community commonwealth charter may include other  
21 17 provisions which the commission elects to include and which  
21 18 are not inconsistent irreconcilable with state law, including,  
21 19 but not limited to, those provisions in section 331.248,  
21 20 subsection 4.  
21 21 Sec. 28. Section 331.262, Code 2003, is amended by adding  
21 22 the following new subsections:  
21 23 NEW SUBSECTION. 1A. The adoption of the community

21 24 commonwealth form of government does not alter any right or  
21 25 liability of the county or member city in effect at the time  
21 26 of the election at which the charter was adopted.  
21 27 NEW SUBSECTION. 1B. All departments and agencies of the  
21 28 county and of each member city shall continue to operate until  
21 29 their authority to operate is superseded by action of the  
21 30 governing body.

21 31 NEW SUBSECTION. 1C. All ordinances or resolutions in  
21 32 effect remain effective until amended or repealed, unless they  
21 33 are irreconcilable with the adopted charter.

21 34 NEW SUBSECTION. 1D. Upon the effective date of the  
21 35 adopted charter, the county shall adopt the community  
22 1 commonwealth form of government by ordinance, and shall file a  
22 2 copy with the secretary of state and maintain available copies  
22 3 for public inspection.

22 4 NEW SUBSECTION. 1E. Members of the governing body of the  
22 5 county and of each member city shall continue in office until  
22 6 the members of the governing body of the community  
22 7 commonwealth have been elected and sworn into office, at which  
22 8 time the offices of the former governing bodies shall be  
22 9 abolished, and the terms of the members of the former  
22 10 governing bodies shall be terminated. During the period  
22 11 between the effective date of the charter and the election and  
22 12 qualification of the elected members of the new governing  
22 13 body, the former governing bodies of each member city and of  
22 14 the county shall continue to perform their duties and shall  
22 15 assist in planning the transition to the community  
22 16 commonwealth form of government.

22 17 NEW SUBSECTION. 1F. If a community commonwealth charter  
22 18 is submitted to the electorate but is not adopted, another  
22 19 charter shall not be submitted to the electorate for at least  
22 20 two years from the date of the election at which the charter  
22 21 was rejected. If a community commonwealth charter is adopted,  
22 22 a proposed charter for another alternative form of county  
22 23 government shall not be submitted to the electorate for at  
22 24 least six years from the date of the election at which the  
22 25 charter was adopted.

22 26 NEW SUBSECTION. 1G. If a community commonwealth charter  
22 27 is adopted, the charter may be amended at any time. The  
22 28 charter shall be amended in the manner provided in section  
22 29 331.247, subsection 7.

22 30 Sec. 29. Section 372.1, Code 2003, is amended by adding  
22 31 the following new subsections:

22 32 NEW SUBSECTION. 7. City=county consolidated form as  
22 33 provided in sections 331.247 through 331.252.

22 34 NEW SUBSECTION. 8. Community commonwealth as provided in  
22 35 sections 331.260 through 331.263.

23 1 Sec. 30. Section 372.2, unnumbered paragraph 1, Code 2003,  
23 2 is amended to read as follows:

23 3 ~~\* Unless otherwise provided by law, a city may adopt a~~  
23 4 ~~different form of government not more often than once in a~~  
23 5 ~~six-year period. A different form, other than a home rule~~  
23 6 ~~charter, or special charter, city=county consolidated~~  
23 7 ~~government, or community commonwealth must be adopted as~~

23 8 follows:

23 9 Sec. 31. EFFECTIVE AND APPLICABILITY DATES. This Act,  
23 10 being deemed of immediate importance, takes effect upon  
23 11 enactment and applies as follows:

23 12 1. The sections of this Act amending sections 331.232 and  
23 13 331.233A, and the portion of the section of this Act amending  
23 14 section 331.235, subsections 1 through 3, do not apply to a  
23 15 charter commission that has been established and is operating  
23 16 as of the effective date of this Act.

23 17 2. The remainder of this Act applies retroactively to  
23 18 charter commissions in existence before and on the effective  
23 19 date of this Act.

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CHRISTOPHER C. RANTS  
Speaker of the House

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JEFFREY M. LAMBERTI  
President of the Senate

23 31 I hereby certify that this bill originated in the House and  
23 32 is known as House File 2404, Eightieth General Assembly.  
23 33  
23 34

23 35  
24 1 MARGARET THOMSON  
24 2 Chief Clerk of the House  
24 3 Approved \_\_\_\_\_, 2004  
24 4  
24 5  
24 6  
24 7 THOMAS J. VILSACK  
24 8 Governor